

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**BRIAN LANIER TURNER,** )  
                                )  
                                )  
**Plaintiff,**                 )  
                                )  
                                )  
**v.**                             )              **Case No. 4:08-CV-01671-VEH-RRA**  
                                )  
                                )  
**TODD ENTREKIN,**             )  
                                )  
                                )  
**Defendant.**                 )

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**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on March 25, 2009, recommending that this action be dismissed *without prejudice* pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies, and pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. The plaintiff filed objections to the report and recommendation on April 10, 2009. (Doc. #17). Other than making the general statement that he “specifically object[s] to [the] Due Process issues,” the plaintiff does not directly address the findings of the magistrate judge.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby

**ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, this action is due to be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies, and pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. A Final Judgment will be entered.

**DONE** this the 23rd day of April, 2009.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge